

# **EXHIBIT A**

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Wednesday, January 22, 2020

9:00 a.m. to 3:40 p.m.

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January 22, 2020

1 MS. FUMERTON: I think that answer is probably  
2 field specific. I can tell you one.

3 MR. SHKOLNIK: Maybe I wasn't clear. Are you  
4 going -- you are saying for this 25 we are  
5 challenging, you are not saying you are only going to  
6 give us the additional fields for those 25 people?

7 MS. SWIFT: That is a fair question, Hunter. I  
8 think it is field specific. And take one category  
9 field, for example, if we are talking about notes, I  
10 think a really big part of why it would make sense to  
11 defer producing a notes field and because of the  
12 burden of reviewing all of those and producing those  
13 now, assuming we got to a point where we wanted to  
14 produce notes, I don't know that we would. We would  
15 want to limit it to the prescriptions you guys had  
16 identified.

17 MR. SHKOLNIK: Okay.

18 MS. SWIFT: That is the point.

19 MR. SHKOLNIK: You said it better than me. You  
20 will give it to all of the ones we have identified?

21 MS. SWIFT: Yes. I misunderstood your question.

22 MR. SHKOLNIK: I understand. If you are saying  
23 these are additional fields that we need, it would  
24 apply to all of the ones we designated, but not just  
25 the ones you --

1 MS. FUMERTON: With the burden issue reserved.

2 SPECIAL MASTER: The default would be that you  
3 would produce it for all the ones identified. If  
4 there is some field specific issue, we can talk about  
5 it.

6 MS. FUMERTON: For example, the notes, those have  
7 to be held separately and ---

8 SPECIAL MASTER: That is a bridge we can cross  
9 when we get there. They have to produce it for each  
10 one that you have identified.

11 MR. BARNES: I am a little bit troubled by this  
12 analysis. The difference is we have two professionals  
13 involved with dispensing medications. You have a  
14 doctor who exercises professional judgment and even in  
15 the face of red flags, he is entitled to do that and  
16 still say, I still want you to have that same  
17 medication.

18 That same individual is entitled to  
19 go to the pharmacy and have red flags and the  
20 pharmacist can make a judgement on dispensing despite  
21 the red flags. And if we attempt to analyze this case  
22 just based on data, you are missing two critical  
23 steps. Two professionals have the right to overwrite  
24 any red flags at any time. That is the reason that  
25 these professionals can get pulled back in. You can't

January 22, 2020

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CERTIFICATE OF REPORTER

I, Wanda Jackson, Court Reporter, do hereby  
certify that I was authorized to and did report the  
foregoing proceedings, and that the transcript, pages 1  
through 169, is a true and correct record of my  
stenographic notes.

Dated this February 3, 2020, at Lee County,  
Florida.

Wanda Jackson

Wanda Jackson

Court Reporter

Notary Public in and for the

State of Florida at Large

My commission expires 4/1/2023

Commission No. GG318277